

REMARKS

Claims 1-35 were pending in this application.

Claims 1-35 have been rejected.

Claims 1, 4, 9, 12, 17, 20, 25, and 28 have been amended.

Claims 2, 5, 10, 13, 18, 21, 26, and 29 have been cancelled.

Claims 36-39 have been added.

Claims 1, 3, 4, 6-9, 11, 12, 14-17, 19, 20, 22-25, 27, 28, and 30-39 are now pending in this application.

Reconsideration and full allowance of Claims 1, 3, 4, 6-9, 11, 12, 14-17, 19, 20, 22-25, 27, 28, and 30-39 are respectfully requested.

I. OBJECTION TO SPECIFICATION

The Office Action objects to the specification because the Abstract exceeds 150 words in length. The Applicants have amended the Abstract. The Applicants respectfully request withdrawal of the objection.

II. REJECTION UNDER 35 U.S.C. § 102

The Office Action rejects Claims 1, 4-6, 8, 9, 12-14, 16, 17, 20-22, 24, 25, 28-30, and 32-34 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,263,507 to Ahmad et al. ("*Ahmad*"). The Applicants respectfully traverse this rejection.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if

every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. (*MPEP* § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990)). Anticipation is only shown where each and every limitation of the claimed invention is found in a single prior art reference. (*MPEP* § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985)).

Ahmad recites a system for reviewing a “body of information” (such as audiovisual news programs). (*Abstract*). The system allows a user to quickly obtain an overview of the body of information. (*Abstract*). The system also provides flexibility to the user in how the body of information is reviewed. (*Abstract*). For example, the system provides the use with a graphical user interface, which allows the user to view particular information about television programs and control how the television programs are reproduced. (*Figures 2A and 2B*).

Regarding Claims 1, 9, 17, and 25, the Applicants have amended these claims to recite that a “display page” identifies “at least one topic,” “at least one subtopic,” and “at least one image associated with the at least one subtopic.” The Applicants have also amended these claims to recite that a “multimedia summary generator” is capable of displaying a portion of a video program that “corresponds to a subtopic ... in response to a selection by [a] viewer of [an] entry point that corresponds to [the] subtopic.” The Office Action has not established that *Ahmad* anticipates these elements of Claims 1, 9, 17, and 25. As a result, the Office Action has not established that *Ahmad* anticipates the Applicants’ invention as recited in Claims 1, 9, 17, and 25 (and their dependent claims).

Regarding Claims 4, 12, 20, and 28, the Applicants have amended these claims to recite

that a “display page” identifies at least one “category of audio-visual segment” in a “video program,” where the at least one category includes at least one of a “person who is speaking,” a “person whose face is displayed,” and an “element of a transcript of the video program.” The Office Action has not established that *Ahmad* anticipates these elements of Claims 4, 12, 20, and 28. As a result, the Office Action has not established that *Ahmad* anticipates the Applicants’ invention as recited in Claims 4, 12, 20, and 28 (and their dependent claims).

Accordingly, the Applicants respectfully request withdrawal of the § 102 rejection and full allowance of Claims 1, 4, 9, 12, 17, 20, 25, and 28 (and their dependent claims).

III. REJECTION UNDER 35 U.S.C. § 103

The Office Action rejects Claims 2, 3, 7, 10, 11, 15, 18, 19, 23, 26, 27, 31, and 35 under 35 U.S.C. § 103(a) as being unpatentable over *Ahmad* in view of U.S. Patent No. 6,580,437 to Liou et al. (“*Liou*”). The Applicants respectfully traverse this rejection.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. (*MPEP* § 2142; *In re Fritch*, 972 F.2d 1260, 1262, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992)). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent Office. (*MPEP* § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984)). Only when a *prima facie* case of obviousness is established does the burden shift to the applicant to produce evidence of nonobviousness. (*MPEP* § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d

1443, 1444 (*Fed. Cir. 1992*); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (*Fed. Cir. 1993*). If the Patent Office does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of a patent. (*In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (*Fed. Cir. 1992*); *In re Grabiak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (*Fed. Cir. 1985*)).

A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. (*In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (*Fed. Cir. 1993*)). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. (*MPEP* § 2142).

As described above in Section II, Claims 1, 4, 9, 12, 17, 20, 25, and 28 are patentable. As a result, Claims 3, 7, 11, 15, 19, 23, 27, 31, and 35 are patentable due to their dependence from allowable base claims. Also, Claims 2, 10, 18, and 26 have been cancelled.

Accordingly, the Applicants respectfully request withdrawal of the § 103 rejection and full allowance of Claims 3, 7, 11, 15, 19, 23, 27, 31, and 35.

IV. NEW CLAIMS

The Applicants have added new Claims 36-39. The Applicants respectfully submit that no new matter has been added. The Applicants respectfully request entry and full allowance of Claims 36-39.

V. CONCLUSION

The Applicants respectfully assert that all pending claims in the application are in condition for allowance and respectfully request an early allowance of such claims.

SUMMARY

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at *wmunck@davismunck.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication (including any extension of time fees) or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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Date: _____

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